

September 27, 1993
REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

ANNUAL AGREEMENT WITH THE UNIVERSITY OF SAN DIEGO LAW SCHOOL
TO
ESTABLISH THE CENTER FOR MUNICIPAL DISPUTE RESOLUTION FOR FISCAL
YEAR 1994.

The University of San Diego School of Law (USD) has provided the City with mediation, training, and public facilitation services for the last four years. This Agreement will continue the nationally recognized Center for Municipal Dispute Resolution (CMDR) through fiscal year 1994. The cost to the City's General Fund for the fiscal year 1994 contract is \$99,900. This allocation of money from the Neighborhood Code Compliance Department (NCCD) represents over 90 percent of CMDR's overall program budget. In a separate contract, the San Diego Housing Commission has allocated an additional \$10,000 to the CMDR for mobile home park mediation services. Thus, CMDR's overall program budget is \$109,900, which represents a 10 percent reduction from last fiscal year.

Program History

In 1989 the Environmental Mediation Program was created under the direction of the City Attorney as part of the Environmental Court Project. At that time the primary purpose of the program was to resolve disputes between City code enforcement departments and owners with code violations on their property. In January of 1993 the name of the program was changed to the Center for Municipal Dispute Resolution. The program now provides training in mediation and communication skills to City code enforcement inspectors and citizen zoning volunteers as well as facilitation services to several City Manager task forces. CMDR's new name more accurately reflects its current work--resolution of disputes that involve municipal governmental issues through mediation or public policy facilitation. A more detailed summary of CMDR's activities is explained in the attached Annual Report.

Mediation

CMDR's primary focus still remains mediation of code

enforcement disputes. The program's success is impressive. Since its inception, CMDR has mediated 504 code enforcement cases. Approximately 90 percent have achieved a written agreement between the City Department and the property owner with code violations. Of the cases with a written agreement, over 75 percent achieved full compliance and are closed without any further administrative or judicial action taken by the City. CMDR estimates a cost savings to the City between \$5,000 and \$10,000 per code enforcement case.

Training

CMDR has trained approximately 150 citizen zoning volunteers in workshops on communication skills and dispute avoidance techniques. In conjunction with the City Attorney's Dispute Resolution Officer, Jerome Parker, CMDR coordinated a special "Rainbow Training" mediation workshop for people of color training them as volunteer mediators. Twenty-one attended the three day intensive workshop on mediation skills. Because of the success of the initial program, CMDR plans to coordinate another such workshop during the next fiscal year.

Public Policy Facilitation

Public policy facilitation is a process in which a neutral facilitator conducts workshops and meetings with all major interest groups affected by a government policy. The four-fold purpose is to: (1) identify and discuss issues; (2) educate interested parties about their respective concerns; (3) discuss options; and (4) reach a mutually acceptable resolution.

Parties that participate in public policy facilitation join in the decision-making process and thus, create a sense of ownership in the final outcome. Interest groups that are not asked to participate in the decision-making process are more likely to block implementation of decisions by opposing or even litigating them.

CMDR has been involved in facilitating numerous San Diego public policy issues:

Historic Preservation Ordinance Review Committee. Since April of 1992, CMDR has facilitated meetings of this group as it designs a historic preservation ordinance that both preserves historic sites and protects property owners' rights. Weekly meetings are being held by the committee to clarify details of the proposal.

Smoking Task Force. At the direction of the Council and City Manager, community health representatives and hotel, restaurant and tourist industry representatives worked together on proposals to regulate smoking.

Zoning Code Update. Public workshops focusing on the

Zoning Code Update have been facilitated by CMDR. One general meeting drew over eighty people; three smaller meetings focused on residential issues.

Mobile Home Park Owners and Residents. CMDR facilitated meetings that resulted in the creation of a Mobile Home Community Issues Committee. A dispute resolution process for mobile home issues has been established.

De Anza Harbor Resort. At the request of the San Diego Housing Commission and the City, CMDR is currently facilitating negotiations to redevelop De Anza Harbor area.

Public policy facilitation enhances the effectiveness of citizen committees and task forces. Facilitation encourages city governments to be responsive to its citizens. Participants, when surveyed, express a very high level of satisfaction with facilitated meetings. Of the facilitations done to date, only the De Anza, and Mobile Home Park Issues Committee negotiations were contemplated by the current contract with CMDR.

Funding

In fiscal years 1989 and 1990, the City and USD contributed equal amounts to fund the Environmental Court Project's original 18-month budget of \$124,000. The original Agreement required USD to develop a pilot project to: (1) use mediation to resolve code enforcement cases; and (2) study the feasibility of creating an Environmental Court.

In fiscal year 1991, the City continued USD's mediation contract at a cost of \$96,000. The City funded \$89,000 and \$7,000 was carried forward from the previous year's contract. City funds were paid from two revenue sources, the Code Enforcement Civil Penalties Fund and the Building Inspection Enterprise Fund.

For fiscal year 1992, the City Council funded the mediation program at a total cost of \$130,880. Fifteen percent of the program's overall budget (\$20,000) was paid by the San Diego Housing Commission for mobile home park mediation services.

For fiscal year 1993, the program's overall budget was reduced 7.6 percent. The City provided \$111,000 from Neighborhood Code Compliance Department, the Building Inspection Enterprise Fund and Non-Departmental Account. The Housing Commission only contributed \$10,000, half of its fiscal year 1992 contribution.

CMDR's fiscal year 1994 budget of \$109,000 is \$11,000 less than last year, a 10 percent reduction. The Neighborhood Code Compliance Department has allocated \$99,900 to pay for 175 code enforcement mediations or facilitations. The San Diego Housing Commission is continuing its participation by contracting to pay

\$10,000 in order to continue mobile home mediations.

Respectfully submitted,

JOHN W. WITT

City Attorney

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Attachment

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